



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/746,619
Filing Date: December 21, 2000
Applicant: Steven D. Woods et al.
Group Art Unit: 2163
Examiner: Hanh B. Thai
Title: TECHNOLOGY MANAGEMENT SYSTEM USING
KNOWLEDGE MANAGEMENT DISCIPLINES,
WEB-BASED TECHNOLOGIES, AND WEB
INFRASTRUCTURES
Attorney Docket: 7784-000156

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APPEAL BRIEF UNDER 37 C.F.R § 41.37(a)

Sir:

This is an appeal brief in support of an appeal to the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences (the "Board") from the November 16, 2006 Notice of Panel Decision from Pre-Appeal Brief Review rejecting Claims 1, 3-17, 19, 20, 22-27 and 30-35 and the Final Rejection mailed November 13, 2006 rejecting Claims 1, 3-17, 19, 20, 22-27 and 30-35. This appeal brief is being filed in accordance with 37 C.F.R. § 41.31(a), within the one

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month period allowed from the mailing of the Notice of Panel Decision from Pre-Appeal Brief Review.

REAL PARTY IN INTEREST

The Boeing Company, being the assignee of the present application, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences pending which will directly affect or be directly affected by, or have a bearing on, the Board's decision in the present pending appeal. It should be noted that on August 30, 2006 Appellants Requested a Pre-Appeal review.

STATUS OF CLAIMS

On November 16, 2006, Appellants received the Panel Decision of the Pre-Appeal Review Board affirming the rejection of Claims 1, 3-17, 19, 20, 22-27 and 30-35. Claims 2, 18, 21, 28-29 were cancelled February 2, 2005. Accordingly, Claims 1, 3-17, 19, 20, 22-27 and 30-35 remain finally rejected.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the mailing of the final Office Action on May 30, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

The following summarizes Appellants' subject matter as presented in independent Claims 1, 25 and 35.

Initially, as an overview, all of the independent claims relate to a technology management system that enables two or more organizations to join together, such as an aircraft manufacturer and a raw materials vendor, for the purpose of developing or improving a given technology (p. 1, lines 5-18; Fig. 1).

INDEPENDENT CLAIM 1

A technology management system as shown in Figures 1-7 is provided. The technology management system includes a controlled lexicon containing technology-specific terminology data (p. 12, lines 21-23; p. 13, lines 1-9; Fig. 4). The system also has a web-based collaboration tool for enabling individual stewards to populate a card catalog based on the technology-specific terminology data and based on collaboration input (p. 13, lines 17-21; Fig. 4). The individual stewards are from either a single collaboration group or from more than one collaboration group (p. 8, lines 11-23; p. 9, lines 1-6; Fig. 1). The system also includes a web portal for maintaining a bookshelf of links to entries in the card catalog (p. 13, lines 21-22; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). The web portal further accesses the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog (p. 13, lines 22-23; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). The users of the web portal are from at least one of a common collaboration group of different collaboration groups (p. 8,

lines 11-23; p. 9, lines 1-6; Fig. 1). The system also includes a notification device that provides at least one of said single collaboration group and said more than one collaboration group with notification data based on said entries (p. 16, lines 3-8, p. 23, lines 18-23; Fig. 4).

INDEPENDENT CLAIM 25

A method for managing technologies among a plurality of individuals operating within a common collaboration group or within different collaboration groups as shown in Figures 1-7 is provided. The method includes populating a card catalog over a networking connection based on collaboration input from a plurality of independent stewards (p. 8, lines 11-23; p. 9, lines 1-6; p. 13, lines 17-21; Figs. 1 and 4). The method also includes populating the card catalog using a controlled lexicon containing technology-specific terminology data (p. 12, lines 21-23; p. 13, lines 1-9; Fig. 4). The method includes maintaining a bookshelf of links over the networking connection based on entries in the card catalog (p. 13, lines 21-22; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). Also included is enabling a plurality of different users within at least one of a common collaboration group and a plurality of different collaboration groups, to access the bookshelf based on search input provided by at least one user (p. 13, lines 22-23; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). The method includes generating notices to said plurality of different users based on said entries (p. 16, lines 3-8, p. 23, lines 18-23; Fig. 4).

INDEPENDENT CLAIM 35

A technology management system as shown in Figures 1-7 is provided. The technology management system includes a controlled lexicon containing technology-specific terminology data (p. 12, lines 21-23; p. 13, lines 1-9; Fig. 4). The system also has a web-based collaboration tool for enabling individual stewards to populate a card catalog based on the uncatalogued technology-specific terminology data and based on collaboration input (p. 13, lines 17-21; Fig. 4). The individual stewards are from either a single collaboration group or from more than one collaboration group (p. 8, lines 11-23; p. 9, lines 1-6; Fig. 1). The system also includes a web portal for maintaining a bookshelf of links to entries in the card catalog (p. 13, lines 21-22; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). The web portal further accesses the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog (p. 13, lines 22-23; p. 24, lines 17-22; p. 25, lines 1-5; Figs. 4 and 5). The users of the web portal are from at least one of a common collaboration group of different collaboration groups (p. 8, lines 11-23; p. 9, lines 1-6; Fig. 1).

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Appellants present the following issues for review:

Whether Claims 1, 3-17, 19-20, 22-27 and 30-35 are anticipated under 35 U.S.C. 103(a) by Horovitz et al. (6,389,409 hereinafter "Horovitz") in view of Wical

(6,487,545 hereinafter "Wical") and further in view of Myers Jr. et al. (6,959,268 hereinafter "Myers").

ARGUMENTS

I. INTRODUCTION

The Examiner provided one rationale in rejecting Claims 1, 3-17, 19-20, 22-27 and 30-35 as stated in his final rejection mailed November 13, 2006. The Examiner states that it would have been obvious to one of skill in the art to modify the technology management system of Horovitz with the classification system of Wical and the product catalogue of the Myers reference to arrive at the technology management system claimed by Appellants in Claims 1, 3-17, 19-20, 22-27 and 30-35.

With regard to Horovitz, Appellants note that Horovitz appears to disclose a system for obtaining a unified classification scheme based on pre-existing, multiple on-line catalogs, where the content can be unified in a resultant information graph (see at least Col. 1, lines 10-18 and Col. 4, lines 43-58). Regarding Wical, Appellants submit that Wical appears to disclose a classifier which is based on pre-existing independent static ontologies (see at least Col. 3, lines 5-15). These pre-existing ontologies are more elaborate than the online catalogs assumed by Horovitz. They are assumed to store "all senses for each word and concept" that they reference (see at least Col. 2, lines 12-14). The Myers reference appears to disclose a toll for providing access to all relevant product information by using a product catalog of reusable and customizable

elements. Myers also discloses the use of an “action item” class to enable the originator to “forward, and monitor status of, one or more business objects to one or more assignees” so that the assignee receives notification of the “action item” (see at least Col. 15, lines 1-5).

In contrast to Horovitz, Wical, and Myers, the present application claims a web-based collaboration tool enabling an individual to *populate* a card catalog, thereby updating a controlled lexicon that is used with the tool. The system disclosed in the present application enables a single individual to both add information to a card catalog remotely via the web-based collaboration tool 50, as well as to access a bookshelf via a web portal 52. (See page 23, lines 5-8 of the application). Importantly, no “pre-cataloguing” of the information is required with the present system. The system of the present disclosure does not rely on pre-existing catalogs, but considers that the distributed source documents are uncatalogued. That is, the present system interacts directly with a distributed network of document assets that are in no way placed in any form of prior developed, relevant navigation hierarchy. The present system and method requires only the documents themselves, not any form of pre-existing classification catalog(s) for documents to be catalogued in a card catalog.

II. THE EXAMINER HAS FAILED TO ESTABLISH A *PRIMA FACIE* CASE OF OBVIOUSNESS OF CLAIMS 1, 3-17, 19-20, 22-27 and 30-35

It is well settled that “a *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” *In re Rinehart*, 531 F2d 1048, 1049 (U.S. Ct. of Customs and Patent Appeals, 1976). The U.S.

Supreme Court has identified three primary criteria for establishing obviousness. These are: 1) determination of the scope and content of the prior art; 2) determination of the differences between the prior art and the claims at issue; and 3) determination of the level of ordinary skill in the pertinent art. *Graham v. John Deere*, 383 U.S. 1, 17 (1966). In rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See *In re Fine*, 837 F.2d 1071, 1073, (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth as noted above in *Graham v. John Deere*, and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention.

In the case *In re Vaeck*, the Federal Circuit noted that two criteria must be met for *prima facie* obviousness to exist: 1) there must be some suggestion or motivation in the references or generally available knowledge to a person of skill in the arts to modify or combine the references; and 2) there must be a reasonable expectation of success. Both the motivation and the reasonable expectation of success must be found in the prior art and not in the Appellants' disclosure. 947 F.2d 488, 493 (Fed. Cir. 1991). See also *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051 (Fed. Cir.) cert. denied, 488 U.S. 825 (1985). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. Note, *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). It is respectfully submitted that the Examiner has failed to fully determine the scope and content of the prior art and to correctly

determine the differences between the prior art and the claims at issue in the rationale used to reject independent Claims 1, 25 and 35. In particular, independent Claim 1 recites:

a controlled lexicon containing technology-specific terminology data;

a web-based collaboration tool for enabling individual stewards to **populate** a card catalog based on the technology-specific terminology data and based on collaboration input; ...

a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further **accessing the bookshelf based on search input and based on the technology-specific terminology data** to enable individual users to access information stored in the card catalog, wherein the users are from at least one of a common collaboration group of different collaboration groups; and

a notification device that provides **at least one of said single collaboration group and said more than one collaboration group with notification data based on said entries** (emphasis added).

Independent Claims 25 recites:

...populating a card catalog over a networking connection based on collaboration input from a plurality of independent stewards;

populating the card catalog using a controlled lexicon containing technology-specific terminology data;

maintaining a bookshelf of links over the networking connection based on entries in the card catalog;

enabling a plurality of different users within at least one of a common collaboration group and a plurality of different collaboration groups, to access the bookshelf based on search input provided by at least one user; and

generating notices to said plurality of different users based on said entries (emphasis added).

Independent Claim 35 recites:

...a **controlled lexicon containing technology-specific terminology data;**

a web-based collaboration tool for enabling individual stewards to **populate a card catalog based on the uncatalogued technology-specific terminology data and based on collaboration input;** ...

a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further accessing the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog, wherein the users are to access information stored in the card catalog, wherein the **users are from at least one of a common collaboration group of different collaboration groups** (emphasis added).

Based on the above introduction, Appellants respectfully assert that neither Horovitz, Wical nor Myers, singly or in combination, teach, suggest or disclose each and every feature of Claims 1, 25 and 35. In this regard, Horovitz and Wical fail to disclose or suggest a notification device that provides at least one of said single collaboration group and said more than one collaboration group with notification data **based on entries in a card catalog**. The Examiner states that Myers discloses such a feature. Appellants respectfully assert that Myers merely discloses that a notification can be forwarded by the owner of the action item. Myers does not disclose that the notification results **based on entries in a card catalog**.

Moreover, the subject matter as claimed would not be obvious from this combination of references as there is no suggestion or motivation present from the references themselves to combine the relevant teachings from each as the

Examiner has done. In particular, Appellants submit the Examiner is improper in asserting that one of ordinary skill, based on Horovitz, would find it obvious to modify Horovitz with either Wical or Myers to arrive at Appellants' claims herein. In particular, Appellants note that although one skilled in the art might find it obvious to try various combinations of prior art components, **this is not the standard of 35 U.S.C. § 103.** (In re Geiger, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987). Rather, in order to find Appellants' claims obvious, the Examiner must produce both the suggestion and expectation of success in making such a combination. The cited prior art does not teach, suggest or disclose any suggestion or expectation of success in providing at least one of said single collaboration group and said more than one collaboration group with notification data **based on said entries in a card catalog.** Thus, Appellants respectfully assert the Examiner's combination of Horovitz with Wical and/or Myers is improper.

Next, Appellants respectfully assert that Horovitz, fails to disclose a card catalog that can be populated, as well as accessed, by various individuals or diverse group of individuals. The Examiner remarked that the induced graph disclosed in Horovitz, the "LinkGraph", is equivalent to a 'card catalog'. Specifically, Horovitz states:

It can be readily seen that the logical mesh of pages and links actually induces a graph data structure. **This induced graph is not created—**rather, it can be thought of as a view into the online catalog structure. This induced graph will be referred to as the LinkGraph . . ." (see col. 5, lines 50-54; emphasis added).

Thus, the LinkGraph of Horovitz is not a card catalog, but rather a graph of compiled by a mesh of pages and links. Horovitz does not involve using a **collaboration input** to obtain a relevant card catalog (i.e. LinkGraph) and also to populate the card catalog. Thus, Horovitz does not disclose or suggest an important feature of the present application, that being providing specific individuals or groups of individuals with the ability to **access the card catalog, as well as the ability to populate it**, to thus maintain the card catalog in an “up-to-date” state, as claimed.

In contrast to Horovitz, the present system interacts directly with a distributed network of document assets that are in no way placed in any form of **prior developed, relevant navigation hierarchy**. In particular, the card catalog of the present system and method allows the updating to be done according to a lexicon **based in the relevant technology that the users are working with** (e.g. wings, flaps, engines, etc.). Thus, the present system interacts directly with a distributed network of document assets that are in no way placed in any form of prior developed, relevant navigation hierarchy. The present system does not rely on pre-existing catalogs, as required in the Horovitz system, but considers that the distributed source documents are **uncatalogued** as claimed. The present system and method **only requires the documents themselves, not any form of pre-existing classification catalog(s) for documents to be catalogued in a card catalog**. The Horovitz reference, however, requires the dynamic creation of a unifying information graph that is obtained from **existing, logically correct catalogs**, in direct contrast to Appellants' claims.

Appellants note it is improper for the Examiner to modify Horovitz to result in Appellants' system as claimed as it would impermissibly modify the principle of operation of Horovitz. Specifically, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (C.C.P.A. 1959) MPEP 2143.01. Horovitz dynamically creates a unifying information graph that is obtained from existing, logically correct catalogs. Thus, modifying Horovitz to include populating a card catalog based on the technology-specific terminology data and collaboration input would modify the principle of operation of Horovitz and is improper.

With regard to Wical, as noted above, the Wical patent involves the use of a classifier which is based on **pre-existing** independent static ontologies. However, the present system and method makes no assumption of either the simple a priori catalogs of Horovitz or the more sophisticated ontologies on Wical. Rather, the distributed network of content that is addressed by the Appellants' system and method does not need to be meaningfully catalogued, classified, or previously placed in relation to an ontology. While such a pre-existing cataloguing, or creation of an ontology, is required for the operation of the Horovitz and Wical systems, such pre-existing cataloging or development of an ontology relating to the documents to be catalogued is simply not required with the present system. Additionally, as discussed with regard to Horovitz above, modifying Wical to include populating a card catalog based on the

technology-specific terminology data and collaboration input would modify the principle of operation of Wical and is improper

Furthermore, it will be noted that Wical initially involves the need for a given set of terms (for example in a given document), to create a classification for the set of terms based on pre-existing catalogs of knowledge. The classifier itself is referred to as a "Knowledge Catalog Processor" and the basic function of this patent is outlined in Fig. 6 of Wical. However, the source content in Appellants' system as claimed (which would be Wical's Words/Terminology in Fig. 6.) is not placed in reference to any other catalogs on knowledge, but is **uncatalogued**. Also, the result of the Wical "Knowledge Processor" is a classification of the Words/Terminology in an allegedly consistent overarching catalog consisting of static and dynamic elements, the static elements of which exist a priori. The system of the present application, however, does not rely on static pre-existing ontologies, nor on the linking of such, nor on the broad and comprehensive word senses required for them, for its operation and use. The claimed system simply does not require the building of such "a priori ontologies."

Additionally, none of the above-discussed references, either singly or in combination, provides for a card catalog that can be populated with uncatalogued information input by individual stewards from the **same or different collaboration groups**, in accordance with a **controlled lexicon of technology-specific terminology data**. The references cited by the Examiner, to emphasize, all require some sort of pre-cataloguing for the documents being handled, and thus, to modify the cited references to include this feature of

Appellants' claims would change the principle of operation of the cited references and is improper. As claimed, the present system requires no such pre-cataloguing of the information before the information is input into the system.

Accordingly, in view of the above discussion, Appellants respectfully assert the Examiner has not presented a *prima facie* case of obviousness and as such, Appellants respectfully request the reconsideration and withdrawal of the rejection of Claims 1, 25 and 35 under 35 U.S.C. § 103(a).

With regard to Claims 3-17, 19, 20, 22-24, 26, 27 and 30-34, Appellants note these claims depend directly or indirectly from either independent Claim 1 or 25, and, thus, should be in condition for allowance for the reasons set forth for Claims 1 and 25 above. Accordingly, Appellants respectfully request the reconsideration and withdrawal of the rejections of Claims 3-17, 19, 20, 22-24, 26, 27 and 30-34 under 35 U.S.C. § 103(a).

CONCLUSION


Appellants therefore respectfully submit that none of Horovitz, Wical or Myers teach or disclose Appellant's Claims 1, 3-17, 19, 20, 22-27 and 30-35 either independently or in any combination. In particular, the references cited by the Examiner all require some sort of pre-cataloguing for the documents being handled. The present system requires no such pre-cataloguing of the information before same is input into the system. Further, none of the cited references teach, suggest or disclose providing specific individuals or groups of individuals with the ability to access the card catalog, as well as the ability to

populate it, to thus maintain the card catalog in an "up-to-date" state. The cited references also fail to teach, suggest or disclose a card catalog that can be populated with uncatalogued information input by individual stewards from the same or different collaboration groups, in accordance with a controlled lexicon of technology-specific terminology data.

In view of the foregoing, reconsideration and withdrawal of the outstanding rejections of the claims is respectfully requested.

Respectfully submitted,

Dated: 1/16/07

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EXHIBIT A

CLAIMS APPENDIX

1. A technology management system comprising:
 - a controlled lexicon containing technology-specific terminology data;
 - a web-based collaboration tool for enabling individual stewards to populate a card catalog based on the technology-specific terminology data and based on collaboration input;
 - the individual stewards being from either a single collaboration group or from more than one collaboration group;
 - a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further accessing the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog, wherein the users are from at least one of a common collaboration group of different collaboration groups; and
 - a notification device that provides at least one of said single collaboration group and said more than one collaboration group with notification data based on said entries.
3. The management system of claim 1 wherein the collaboration tool retrieves the collaboration input directly from at least one of the stewards.

4. The management system of claim 1 wherein the collaboration tool retrieves the collaboration input from an electronic file, at least one of the stewards placing the collaboration input in the electronic file.

5. The management system of claim 1 wherein the collaboration tool converts the collaboration input into metadata, the collaboration input having a corresponding content.

6. The management system of claim 5 wherein the metadata includes keyword attribute information, the keyword attribute information defining keywords relating to the content.

7. The management system of claim 6 wherein the collaboration tool further converts the technology-specific terminology data into metadata based on the collaboration input.

8. The management system of claim 5 wherein the metadata includes readiness attribute information, the readiness attribute information defining a readiness for linking of the content to the bookshelf.

9. The management system of claim 5 wherein the metadata includes steward attribute information, the steward attribute information defining a responsible party for the content.

10. The management system of claim 5 wherein the metadata includes author attribute information, the author attribute information defining an author of the content.

11. The management system of claim 5 wherein the metadata includes location attribute information, the location attribute information defining a file location of the content.

12. The management system of claim 5 wherein the metadata includes notification attribute information, the notification attribute information defining individuals to be notified of the conversion of the collaboration input into metadata.

13. The management system of claim 5 wherein the metadata includes security attribute information, the security attribute information defining security requirements for accessing the content.

14. The management system of claim 5 wherein the metadata includes date attribute information, the date attribute information defining a conversion date for the collaboration input.

15. The management system of claim 5 wherein the metadata includes title attribute information, the title attribute information defining a title for the content.

16. The management system of claim 1 wherein the collaboration tool interacts with the card catalog over a networking connection.

17. The management system of claim 16 wherein the networking connection is one of an Internet connection and an Intranet connection.

19. The management system of claim 1 wherein the web portal interacts with the card catalog over a networking connection.

20. The management system of claim 19 wherein the networking connection comprises one of an Internet connection and an Intranet connection.

22. The management system of claim 1 wherein the web portal includes a user interface, the user interface being customizable based on interface input from a user.

23. The management system of claim 22 wherein the user interface includes links contained in the bookshelf.

24. The management system of claim 1 wherein the terminology data relates to aircraft technologies.

25. A method for managing technologies among a plurality of individuals operating within a common collaboration group or within different collaboration groups, the method comprising the steps of:

populating a card catalog over a networking connection based on collaboration input from a plurality of independent stewards;

populating the card catalog using a controlled lexicon containing technology-specific terminology data;

maintaining a bookshelf of links over the networking connection based on entries in the card catalog;

enabling a plurality of different users within at least one of a common collaboration group and a plurality of different collaboration groups, to access the bookshelf based on search input provided by at least one user; and

generating notices to said plurality of different users based on said entries

26. The method of claim 25 further comprising the steps of:
storing technology-specific terminology data to a controlled lexicon;
maintaining the card catalog based on the technology-specific terminology data; and
assessing the bookshelf based on the technology-specific terminology data.

27. The method of claim 25 wherein the stewards and the users are part of an overall enterprise group.

30 The management system of claim 1 wherein said notification data includes an expiration date of the entries.

31. The management system of claim 1 wherein said notification data includes employment information of the individual stewards.

32. The method of claim 25 further comprising converting at least one of the collaboration input and the technology-specific terminology data into metadata, the collaboration input having a corresponding content.

33. The method of claim 25 wherein the notices include an expiration data of the entries.

34. The method of claim 25 wherein the notices include employment data of the plurality of different users.

35. A technology management system comprising:
a controlled lexicon containing technology-specific terminology data;
a web-based collaboration tool for enabling individual stewards to populate a card catalog based on the uncatalogued technology-specific terminology data and based on collaboration input;
the individual stewards being from either a single collaboration group or from more than one collaboration group; and
a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further accessing the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog, wherein the users are from at least one of a common collaboration group of different collaboration groups.